

# ZONING BOARD OF APPEALS

**Tuesday, May 20, 2008**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

## Present:

**ZBA Members:** Alice Howard  
William Orr  
Dan Roszkowski  
Julio Salgado  
Scott Sanders  
Craig Sockwell

**Absent:** Alicia DiBenedetto

**Staff:** Todd Cagnoni – Manager of Current Planning  
Sandra Hawthorne – Administrative Assistant  
Kerry Partridge – City Attorney  
Mark Marinaro – Fire Department  
Rob Lamb – Industrial Development Manager

**Others:** Alderman Frank Beach  
Kathy Berg, Stenographer  
Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Dan Roszkowski to **APPROVE** the minutes of the April 15, 2008 meeting as submitted. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 6-0 with Alicia DiBenedetto absent.

<b>004-08</b> Applicant Ward 1	<b><u>175 Executive Parkway</u></b> First Rockford Group <b>Variation</b> to increase maximum freestanding business sign height to 30 feet <b>Variation</b> to increase sign area to 320 square feet in the C-2, Commercial Community District <b>Laid Over from February, March and April meetings</b>
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Prior to the meeting, a written request was received from the Applicant to lay over this item to the June 17<sup>th</sup> Zoning Board of Appeals meeting. Mr. Orr asked why this item was Laid Over for 3 months and the Applicant is now requesting a fourth. Mr. Cagnoni stated Staff is not supporting the requested Variation to 30 feet. The applicant is in the process of a solution regarding this pylon sign and is requesting an additional month. Staff was in agreement with allowing another Lay Over, since this request is of a low-key nature and there has been no response from adjacent property owners.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Variation to increase maximum freestanding business sign height to 30 feet; and the Variation to increase sign area to 320 square feet in the C-2, Commercial Community District at 175 Executive Parkway. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 6-0.

016-08

Applicant  
Ward 4

**3470 North Alpine Road**

Fairhaven Christian Retirement Center / Atty. Carl Ecklund

**Modification of Special Use Permit #110-84 and #122-91 for a Planned Mixed Use Development** consisting of retirement community and associated uses in an R-3, Multi-family Residential District

**Laid Over from April meeting**

This property consists of a 35 acre campus for sheltered and intermediate care rooms, independent living apartments and two-family units for a retirement community. Attorney Carl Ecklund and Bryan Noreen were present. Attorney Ecklund reviewed the request of the Applicant. The Applicant is wanting to continue these uses in addition to constructing an underground parking lot, additional parking on the west and east ends, and to reconfigure part of the site. The five, two-family structures would be demolished, and a three-story building containing 60 units would be constructed. These units were one of the first built, and have become obsolete according to Attorney Ecklund. The cul-de-sac at the north end of Kimball will be vacated to allow better access to the site. The apartment units would be 1 and 2 bedrooms. In addition, there will be a 7,000 square foot patio area and pathways for residents and guests. Attorney Ecklund further explained the plan to expand and renovate the chapel auditorium, and the kitchen facility. Currently there are 306 units. After the redevelopment, there will be a total of 353 units. Mr. Ecklund pointed out that this is just under 10 units per acre, which is well under the maximum density. He stated this is only a reconfiguring of the approved uses to the property. All conditions of approval are acceptable to the Applicant.

Mr. Cagnoni explained the roadway design will be coordinated with Public Works and IDOT thru the subdivision process. Mr. Sockwell asked what was in the cul-de-sac at this time. Attorney Ecklund explained nothing. Mr. Orr commented that he lives across the street from Fairhaven and the property has always been kept up.

Staff Recommendation was for Approval with 4 conditions. One Objector was present.

Oleg Buschnyj, 6227 Tatum Road, expressed his concern with water run off. He stated pipes were put underground which direct water to his area. He has had electrical wires and large tree roots exposed due to erosion.

In response, Mr. Noreen stated they have asked Willard Hoffman to analyze this site in regards to run off. He stated they will work with City Staff to be certain there is sufficient stormwater areas.

A **MOTION** was made by William Orr to **APPROVE** the Modification of Special Use Permit #110-84 and #122-91 for a Planned Mixed Use Development consisting of retirement community and associated uses in an R-3, Multi-family Residential District at 3470 North Alpine Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a detailed landscaping plan for Staff review and approval.
3. Submittal of a final plat for Staff review and approval.
4. Submittal of building elevation plans for Staff review and approval

**ZBA 016-08**

**Findings of Fact for a Modification of Special Use Permit  
#110-84 and #122-91 for a Planned Mixed Use Development  
Consisting of Retirement Community and Associated Uses  
In an R-3, Multi-family Residential District at  
3470 North Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community since it will be a continuance of uses already approved.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the R-3 District and previous approved Special Use Permits..
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-3 Zoning District and conditions of approval.

**017-08**                      **6161 East State Street**  
Applicant                  GPD Group / Ryan Oyster  
Ward 1                      **Variation** to increase the number of allowable wall signage from the allowable four (4) to nine (9)  
                                 **Variation** to increase the maximum square footage for a drive-through directory (menu board) from 36 square feet to 54 square feet  
                                 **Variation** to increase the maximum allowable height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-2, Commercial Community Zoning District  
                                 **Laid Over and Revised from April meeting**

The subject property is located 790 feet east of the Mulford Road and East State Street intersection and is currently a Taco Bell. Ryan Oyster, representing the Applicant, reviewed the requests for Variations. The Applicant is proposing to add a Pizza Hut Express food service to the existing Taco Bell menu. The existing building will be demolished and a new one constructed to accommodate the combined fast-food venue. Mr. Oyster stated the site is in conformance with building code, parking, and drive thru stacking. The Applicant is requesting signage on all three sides of the building, totaling 9 signs. He explained the Taco Bell sign is separate from the swinging Bell sign. Pizza Hut signage represents their portion of the service. The Variation for increase in height for the drive-through directory is requested because it was felt that all other restaurants on this strip have pole signs. It is the desire of the Applicant to have the entire menu on the drive-through directory, which requires a Variation. They are not asking for an increase in size – only to maintain the size of the current menu sign.

Staff Recommendation is for Approval of all requests with 3 conditions. No Objectors were present.

Mr. Cagnoni stated the pylon sign was not requested. Staff felt a low profile sign would provide visibility, citing other restaurants in the same area. Mr. Sanders stated he is aware there may be other signage higher in this area, but the goal of the new sign ordinance is to create low profile signs and he feels this should be enforced.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to increase the number of allowable wall signage from the allowable four (4) to nine (9); **APPROVE** the Variation to increase the maximum square footage for a drive-through directory (menu board) from 36 square feet to 54 square feet; and **APPROVE** the Variation to increase the maximum allowable height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-2, Commercial Community Zoning District at 6161 East State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with William Orr voting Nay.

Approval is subject to the following conditions:

1. Meet all building and fire codes.
2. Submittal of building permit for Staff review and approval.
3. That the freestanding sign shall be a landmark in accordance with the sign ordinance replacing the existing freestanding sign.

**017-08**  
**Findings of Fact for a Variation**  
**To Increase the Number of Allowable Wall Signage**  
**From the Allowable Four (4) to Nine (9)**  
**In a C-2, Commercial Community Zoning District at**  
**6161 East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 017-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Square Footage for a Drive-Through Directory (Menu Board)**  
**From 36 Square Feet to 54 Square Feet**  
**In a C-2, Commercial Community Zoning District at**  
**6161 East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.

3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 017-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Allowable Height For a Drive-Through Directory (Menu board)**  
**From 6 Feet to 8.7 Feet in a C-2, Commercial Community Zoning District at**  
**6161 East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**021-08**                      **17XX Lyford Road**  
Applicant                Atty. Sherry Harlan / Rosecrance, Inc.  
w/b Ward 1              **Annexation Agreement and Zoning Map Amendment** from County AG to City C-1,  
                                 Limited Office District  
                                 **Laid Over from April meeting**

The subject property consists of 38.453 acres of vacant land and is located on the southeast corner of the intersection of Lyford Road and Rote Road. Brad Carlson, Janis Waddell, from Rosecrance and Chris Anderson from Larson & Darby were present. Mr. Carlson reviewed the request. The Applicant, Rosecrance, wishes to annex this property into the City as C-1, Limited Office District zoning for the purpose of building an administrative office building for their use on 5.23 acres of this property. The use for the remainder of the parcel is unknown at this time. Mr. Carlson stated there will be no treatment at this new facility - strictly office use. Mr. Anderson explained the main access would be from University, with parking areas allowed for future expansion to the south.

Staff Recommendation at the time this report was written was for Lay Over until the terms of the annexation agreement were completed. Mr. Cagnoni verified the negotiations of annexation have been completed and the City and the Applicant are in the final stages of completion. At this point, Staff indicated they are comfortable with recommending Approval of the request. Mr. Cagnoni explained that further development would require tentative and final plats to be certain the remaining property conforms to city requirements and the area. He did not feel an additional condition stating this would be necessary. He further explained this parcel is not coming in as a subdivision at this time, only as a parcel development. He verified the entire acreage would come in as C-1. Mr. Carlson stated they hope to break ground by November.

Objectors were present.

Brad Zimmerman, 607 Regents Court owns land to the south. He stated Rosecrance keeps their grounds beautiful and he is happy with the way they keep up the property. He asked the Applicant what the future use would be for the remainder of the property. Mr. Carlson responded that Rosecrance has no plans at this time. Mr. Zimmerman asked Mr. Carlson if they foresee treatment centers on this property and Mr. Carlson again stated they have no plans at this time. Mr. Zimmerman would like to see a large berm and trees to separate the residential area. Mr. Cagnoni explained one of the terms of the Annexation Agreement stated landscaping will only be installed along the south property line on the 5 acre parcel. However, there is language incorporated into this Agreement that allows Staff to review development as it happens. Should an additional building be put on the property, it will be required to go through the Zoning Board of Appeals.

Renee and Tim Nolan 1509 N. Lyford Road were present as Objectors. Mr. Nolan stated they have had at least 12 escapees from Rosecrance who have cut through their property trying to get to the bus station by State Street. He stated as recent as two weeks ago one of the escapees were on their property being tackled by Rosecrance Staff. As a father, he is also concerned with the safety of their home and the possibility of someone trying to steal their vehicle to escape. He does not believe Mr. Carlson's statement that Rosecrance does not have any plans for the remainder of this large parcel. He feels the nearby neighborhood should not have the safety of their homes put in jeopardy. Mrs. Nolan stated if this property is zoned Commercial it will open the door for commercial on this entire parcel. Drainage is also a concern. She stated currently a drainage problem exists due to recent development and if there is additional development she is concerned that more drainage will be directed towards their property.

Ms. Waddell responded that this building will be administrative purposes only and they do not have any plans for the remainder of the parcel at this time.

Marvin Permenter, 8698 Rote Road was present as an Objector. He asked if a school would be allowed with this zoning. His fear is that the training center would be moved to this location. He feels this would be devastating to the neighborhood. Mr. Cagnoni stated he believed a training facility for parolees would not be allowed in the C-1 District.

Gay Henderson, 8682 Rote Road was present as an Objector. She stated Rosecrance has lied to them so many times in the past. She is tired of them telling neighbors they will not do one thing and then doing it anyway.

A **MOTION** was made by Scott Sanders to **APPROVE** the Annexation Agreement and Zoning Map Amendment from County AG to City C-1, Limited Office District at 17XX Lyford Road. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 4-1 with Craig Sockwell voting Nay and Dan Roszkowski abstaining.

**ZBA 021-08**  
**Findings of Fact for a Zoning Map Amendment**  
**From County AG to City C-1, Limited Office District at**  
**17XX Lyford Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article 10-005, Legal Framework, Purposes, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal does implement the adopted plans and policies as it is consistent with the 2020 plan;
  - b. This proposal does retain and expand the city's business and employment base as it is expanding the current Rosecrance office space;
  - c. This proposal does maintain orderly and compatible development patterns that promote an appropriate mix of land uses and protect and conserve property values as the land uses surrounding the property are low-density in nature and the proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as T-CO, Industrial Tech-Commercial Office.

<b>023-08</b> Applicant Ward 5	<b><u>47XX South Main Street</u></b> Pastor Brad Hampton / Faith Center <b>Zoning Map Amendment</b> from I-1, Light Industrial District to C-3, General Commercial District
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Prior to the meeting, a written request was received by the Applicant asking that this item be Laid Over to the June meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Zoning Map Amendment from I-1, Light Industrial District to C-3, General Commercial District at 47XX South Main Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 6-0.

<b>024-08</b> Applicant Ward 14	<b><u>4871 East State Street</u></b> Cheryl Saladino <b>Zoning Map Amendment</b> from C-2, Limited Commercial Zoning District to C-3, General Commercial Zoning District <b>Special Use Permit</b> for a Sexually-Oriented Business of bookstore and video store including retail sales of videos, toys, skin care products, and lingerie <b>Special Use Permit</b> for a Sexually-Oriented Business of nude modeling in a C-3, General Commercial Zoning District
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Prior to the meeting, a written request was received by the Applicant asking that this item be Laid Over to the June meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Zoning Map Amendment from C-2, Limited Commercial Zoning District to C-3, General Commercial Zoning District; the Special Use Permit for a Sexually-Oriented Business of bookstore and video store including retail sales of videos, toys, skin care products, and lingerie; and a Special Use Permit for a Sexually-Oriented Business of nude modeling in a C-3, General Commercial Zoning District at 4871 East State Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 6-0.

**025-08**                      **15XX Baxter Road**  
Applicant                      Mike Salek / Reload Inc.  
Ward w/b 6                      **Special Use Permit** for a warehousing and freight movement  
   use inclusive of a freight terminal use with outdoor storage, display and work area  
   **Variation** from the required asphalt or concrete surface to a rock base/gravel surface in a  
   I-1, Light Industrial District

The subject property is located west of 11<sup>th</sup> Street and north and south of Baxter Road in unincorporated Winnebago County. Mike Salek, Applicant, was present. He explained Reload has been operating in Rockton for the last 7 years. Due to a transfer in the property they are leasing they need to relocate by August 1<sup>st</sup>. He is considering donating some greenspace on the subject property to the Forest Preserve. The Buildings would hold drywall, OSB, open storage area for lumber, structural steel, and items of that nature. He explained the Variation for a rock base/gravel surface is because of the nature of use anticipated, they would need a ten inch layer of concrete which is cost prohibitive. Mr. Salek stated he will maintain dust control so the Forest Preserve and farms would not be affected. He presented a site plan showing the locations of the office and storage areas. If there is any expansion to the property, Mr. Salek indicated it would be to the east, and he would work with home owners in the area. Mr. Sockwell asked how much acreage he had at his current location in Rockton. Mr. Salek responded it was difficult to pin down because the owner allowed them to use the property as needed. Depending on business activity, the use of the property has expanded and decreased as needed. Mr. Salek explained the area outside the office would have 5 spaces leading up to the main office area.

Mr. Cagnoni explained Staff has had additional conversations with the Applicant since preparing their report. They discussed how parking would function and were comfortable with having a designated area for parking. There are some issues regarding landscaping that are still being discussed but are generally resolved. The concerns with overall greenspace have been addressed, including the Applicant's desire to donate some of the property to the Forest Preserve. Mr. Salek stated a greenspace area will also be at the north end of the property. Mr. Sanders asked if there was enough space to separate employee parking from the gravel storage area. Mr. Salek responded he is currently down to 16 employees. It is his intent to provide adequate parking for the amount of employees they have.

Staff Recommendation was for Approval of both items, with 9 conditions: No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for a warehousing and freight movement use inclusive of a freight terminal use with outdoor storage, display and work area; and to **APPROVE** the Variation from the required asphalt or concrete surface to a rock base/gravel surface in a I-1, Light Industrial District at 15XX Baxter Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. The terms of the annexation agreement.
2. Submittal of a civil site plan for Staff review and approval.
3. Submittal of a landscaping plan for Staff review and approval.
4. Submittal of an illumination plan for Staff review and approval.
5. The rock base/gravel surface shall be restricted to the area used for outside storage and will require Staff review and approval.
6. Paving of the entrance access drive and parking area with blacktop or concrete.
7. Submittal of a tentative and final plat for Staff review and approval.
8. Building elevation drawings shall be submitted for Staff review and approval.
9. Meeting all applicable building and fire codes.



**ZBA 025-08**  
**Findings of Fact for a Special Use Permit**  
**for Warehousing and Freight Movement Use**  
**Inclusive of a Freight Terminal Use**  
**with Outdoor Storage, Display, and Work Area**  
**In an I-1, Light Industrial District at**  
**15XX Baxter Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1 Zoning District in which it is located.

**ZBA 025-08**  
**Findings of Fact for a Variation**  
**From the Required Asphalt or Concrete Surface**  
**To a Rock Base / Gravel Surface**  
**In an I-1, Light Industrial District at**  
**15XX Baxter Road**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or

endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.

7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**026-08**                      **5924, 5942 Apawamis Way & 910 North Mulford Road**  
Applicant                Mario Tarara, Attorney for Applicant  
Ward 1                    **Zoning Map Amendment** from C-1, Limited Office District and  
                                 R-2, Two-family Residential District to C-2, Limited Commercial District

The subject property is located on the northwest corner of Apawamis Way and North Mulford Road and is currently vacant land. In 2005, a zoning change to C-1 for lots one and two, and to R-2 for lot three was granted as part of annexation of this property. At that time, the plan submitted was for a 4,000 square foot building with the primary use being medical and dental offices. The rear portion of the lot was planned for residential construction of three, two-family structures. Attorney Mario Tarara and Dr. Joseph Fanara were present. Attorney Tarara reviewed the Applicant's request. He stated the Applicant wishes to amend their original request to C-1 for the entire parcel and eliminate the request for C-2 zoning. A portion of the property is already zoned as C-1. Dr. Fanara wishes to construct a building approximately 3,000 square feet in size. He stated ample parking is available. Elevations of the building were presented.

Mr. Sanders asked if consideration was given to putting the parking area between Mulford and the proposed building to avoid parking abutting the residential area. Dr. Fanara stated his patients would require access to the side and rear of the building which would require parking in that area. This layout allows them to place the access point along Apawamis which he feels is better from a traffic point of view.

Mr. Cagnoni verified that the Applicant can revise his request at this time, since it is a request for down-zoning from the original request. Staff is open to reviewing the entire site to be used as office. However, Staff is concerned that demolition of the site has taken place with no progress in quite some time. Loose topsoil is present which affects the surrounding area.

In response, Attorney Tarara stated when approval is given, it is the applicant's intent to proceed with development of the property. The applicant will meet landscaping requirements as development occurs. Dr. Fanara stated his office will be in this building. He wants to improve the entire area because it reflects on the practice he has built all these years.

Mr. Sanders again stated his concern with parking near residential area and the land use fitting in with the residential area. Dr. Fanara explained his practice is mostly surgical and his patients need to be able to access the building from their vehicles in a relatively short distance after surgery. Because of this, the parking lot is laid out to accommodate their medical needs. He stated his office hours are 8:30 AM to 5:00 PM. Dr. Fanara further stated the interest shown in other tenant spaces in the building are in line with his hours of operation.

The Board discussed adding a condition that the applicant provide Staff with an acceptable development plan. Mr. Cagnoni explained that this is a Zoning Map Amendment and there is not full ability to add conditions in such a way that it can be followed through. Mr. Orr did point out that the adjacent property owners received notice of this item and no one showed up to contest.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Zoning Map Amendment from C-1, Limited Office District and R-2, Two-family Residential District to C-1 as amended by the Applicant at 5924, 5942 Apawamis Way and 910 North Mulford Road. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 6-0.

**ZBA 026-08**  
**Findings of Fact for a Zoning Map Amendment**  
**From C-1, Limited Office District and R-2, Two-Family Residential District**  
**to C-1, Limited Office District at**  
**5924, 5942 Apawamis Way and 910 North Mulford Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as RM-CO

With no further business to come before the Board, the meeting was adjourned at 8:20 PM.

Respectfully submitted,  
Sandra A. Hawthorne  
Administrative Assistant  
Zoning Board of Appeals